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Subject: Hawaii News Clips: New Sewage Rules Could Cost Honolulu Taxpayers Millions of Dollars

New Sewage Rules Could Cost Honolulu Taxpayers Millions of Dollars

By Sophie Cocke 04/11/2014 Honolulu Civil Beat

Synagro's digester at Sand Island turns sewage into fertilizer pellets.

The City of Honolulu is facing tens of thousands of dollars in fines every day it fails to comply with stricter environmental controls at its Kailua Regional Wastewater Treatment Plant.

Every day, up to 15 million gallons of treated sewage and other waste is discharged from the plant into the coastal waters off Kailua and Mokapu Peninsula.

On March 16, the state Department of Health issued a new permit for the facility that puts new restrictions on pollutants including some cancer-causing chemicals that can be released into the ocean.

State officials say the city is risking \$25,000 a day if it doesn't comply with requirements for the Kailua plant, even more when other treatment plants are brought under the new rules.

The permit conditions, which are expected to be applied to the Sand Island and Honouliuli wastewater treatment plants in coming months, have reignited a debate among scientists and engineers as to whether the wastewater discharged off the coast of Oahu is harming coral and fish and even making people sick.

City officials [have said it will cost “billions” to comply](#) with the new permit requirements at the three facilities. They say there is little environmental advantage to the changes and have been fighting the new permits.

In March, the city requested a hearing on the Kailua permit, which isn't scheduled to be heard by the state health department until next March. The city's Department of Environmental Services has also said it will challenge the permits in court if it loses its appeal with the state health department. The agency has [budgeted \\$100,000 for legal expenses](#) for fiscal year 2015.

In the meantime, the state could fine the city up to \$25,000 a day for each permit violation at its Kailua plant, according to DOH spokeswoman Janice Okubo.

The city could also be fined tens of thousands of dollars at its Sand Island and Honouliuli plants if it doesn't comply with new permit regulations expected to be released for those facilities.

Okubo says the state is trying to negotiate an agreement with the city, including any fines, until legal issues are resolved.

Round Two for Oahu's Sewage Debates?

The idea of dumping more than 100 million gallons a day of sewage, agricultural and industrial wastewater off Oahu's coasts where people swim, surf, fish and boat often provokes strong reactions.

But scientists note that the treated wastewater has to go somewhere and Oahu's system has improved substantially since the 1970s when the city was dumping wastewater into streams and nearby coastal waters causing noticeable damage to coral and fish.

Since then, the city has moved the pipes further out to sea and to depths where the wastewater is believed to quickly diffuse and swept out to sea.

Despite major improvements, leaking pipes and sewage discharges prompted environmental groups to sue the city in 2004, a lawsuit later joined by the EPA and state health department. Years of litigation culminated in a 2010 consent decree requiring the city to spend an estimated \$3.5 billion to improve its sewage collection system, as well as upgrade its Sand Island and Honouliuli wastewater treatment plants to “secondary treatment.”

The consent decree, which was vigorously opposed by the city, served to stop the battles over Oahu's sewage problems.

But the state health department's new permit requirements is sparking another round of debate, particularly among scientists and engineers who are critical of the estimated \$1.2 billion in upgrades required to convert the Sand Island and Honouliuli wastewater treatment plants to secondary treatment — Honouliuli by 2024 and Sand Island by 2035.

City officials and local scientists say the new permits will require even more advanced treatment.

“This is just irrational,” said Hans Krock, a retired University of Hawaii engineer, who worked on the state’s water quality standards. “It is unscientific. It is sort of a delusion on the part of the legal people who are trying to impose regulations that they don’t understand.”

"The science they don’t understand," he said. "They don’t understand the engineering. If they are successful in imposing this it will result in a huge amount of money and result in no benefit to the environment.”

Krock has worked as a consultant for the city’s wastewater treatment system, but says he’s never accepted any compensation.

“I’m seriously saying this, not because of some prejudice, but because of science,” he said.

Krock’s sentiments are echoed by other scientists interviewed by Civil Beat as well as in written testimony on the Kailua permit submitted by the state health department’s former deputy director of environmental health and two engineers that have worked on the city’s wastewater treatment issues.

There was no public testimony supporting the new permit requirements and local environmental groups who were instrumental in forcing the city to fix its aging sewer system, including the Hawaii Sierra Club, said they didn’t even know about the new regulations.

Critics of the stricter standards say new requirements limiting dieldrin and chlordane, long banned pesticides, are nearly impossible to reduce at the treatment level. Hawaii’s oceans actually need more and not less nutrients because of global warming, they say.

And, they say, there is no evidence that the current wastewater discharges are threatening the environment or human health.

Furthermore, local engineers and scientists say, the state’s focus needs to be on controlling stormwater runoff, a much graver threat to the marine ecosystem.

“This is the next, whole generation of pollution control,” said Roy Abe, an engineer at Honolulu-based HDR Engineering, a firm managing the city’s consent decree. “Water quality professionals feel that we need to spend money where it makes the most sense and it is not in removing nutrients at these treatment plants. It’s like throwing money away.”

Adhering to Hawaii Water Quality Standards

State health officials declined to comment on the new permits, citing the ongoing contested case.

But documents related to the permit indicate that the city’s discharges for the Kailua wastewater plant have exceeded Hawaii’s water quality standards for bacteria and nutrients, as well as chlordane and dieldrin.

Elizabeth Sablad, an environmental scientist in the EPA’s regional office in San Francisco, which oversees Hawaii, said it isn’t clear if these pollutants are causing damage to the environment or humans. But that’s what Hawaii’s water quality standards are designed to protect against.

Too many nutrients can deplete the ocean’s oxygen levels and be toxic to fish and coral, she said. High levels of bacteria can also carry pathogens that make people sick or infect wounds. And the state’s dieldrin and chlordane standards “are set to protect against toxicity in aquatic life or human health,” said Sablad.

While city officials say the new regulations will push them to implement expensive treatment options that go far beyond what's required in the 2010 consent decree, Sablad said that there are a variety of different technologies and treatment options that the city can explore.

She said the EPA does not take into consideration cost when it's reviewing state permit conditions and wasn't in a position to assess the city's claim that it would cost billions to conduct the upgrades.

"We don't take into account the cost because we don't dictate how to comply with the limits," she said.

Currently, the city is seeking to stay the permit conditions until the contested case is resolved, a position that the state attorney general's office has strongly opposed.

"The failure to implement these conditions would mean (the city) could discharge more pollutants into the waters off the Kailua plant throughout the appeal period than should be allowed in the public interest," according to a document signed by David Louie, the state's attorney general, and Edward Bohlen, deputy attorney general and counsel for the state health department.

The attorney general's office also criticizes the city for failing to "present persuasive evidence to DOH in a timely fashion during the permit comment period."

For instance, the city wanted the health department to loosen its bacteria standards, but didn't submit an analysis supporting its position until two days before the comment period ended, and seven months after it received the draft permit, according to documents from the attorney general's office.

Thanks!

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